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MAILED

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Technology Center 2100

In re Application of: Karl L. Ginter et al.)	
Application No.: 09/870,801)	
Filed: June 1, 2001)	
For: SYSTEMS AND METHOD FOR)	DECISION ON PETITION UNDER 37
SECURE TRANSACTION)	C.F.R. § 1.181 TO WITHDRAW
MANAGEMENT AND)	HOLDING OF ABANDONMENT
ELECTRONIC RIGHTS)	
PROTECTION)	

This is a decision on the petition filed July 20, 2004 under 37 CFR § 1.181 to a withdraw the holding of abandonment of the above-identified application. The petition was supplemented by a filing on October 12, 2004 supplying some of the materials which did not accompany the original petition.

This application was held abandoned for failure to file a timely response to the Office action of mail date September 26, 2003. A Notice of Abandonment was mailed on May 20, 2004.

In support of the petition, Petitioner provides a copy of (1) an amendment (including 3 attachments designated Exhibits 1-3) filed in response to the Office action of mail date September 26, 2003, (2) a petition for a 3 month Extension of time, (3) a Notice of Litigation with 2 exhibits [including a CD-ROM] (4) an Information Disclosure Statement accompanied by a 38 page listing of the references on a PTO-1449, (5) a second Information Disclosure Statement with an authorization to charge \$1310 to Deposit Account No. 06-0916, (6) CD-ROMs containing the references, (7) Notice of Interference with Exhibits A-G, and (8) a post card with a PTO stamp indicating receipt at the USPTO on March 26, 2004 of the aforementioned items.

M.P.E.P. § 503 states:

A post card receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO.

Petitioner has established that a response was filed on March 26, 2004 with the authorization to charge the requisite fee for a three-month extension of time necessary for the response to be considered timely. Thus, Petitioner has established that a response was timely filed and the Abandonment was the result of Office error in not matching the response to the application file. Furthermore, a review of the file

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indicates that the fees were posted to the application on March 31, 2004.

The petition is **GRANTED**. The Notice of Abandonment is **WITHDRAWN**.

The application file is being forwarded to the Technology Center support staff for processing of the amendment, the information disclosure statement and all the attachments. After processing, the application will then be forwarded to the Examiner for appropriate action.

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